

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

DOMINION SADLER, on behalf of)
Himself, and others similarly situated,)
)
Plaintiff,)
)
v.) Case No. 3:19-cv-01339-SMY
)
D.W. MERTZKE EXCAVATING &)
TRUCKING, INC.,)
)
Defendant.)

STIPULATION OF DISMISSAL

Pursuant to the provisions of Rule 41(a)(1)(A)(ii), Fed. R. Civ. P., Plaintiff, Dominion Sadler, on behalf of Himself, and others similarly situated, and Defendant, D.W. Mertzke Excavating & Trucking, Inc., by and through their undersigned counsel, hereby stipulate as follows:

1. All claims that were or could have been asserted by Plaintiff in this action are dismissed with prejudice.
2. Each party shall bear its own attorneys' fees and costs.

Dated: June 30, 2020

Respectfully Submitted,

By: /s/ David Cates
David Cates #6289198
CATES MAHONEY, LLC
216 West Pointe Drive, Suite A
Swansea, IL 62226
Telephone: 618-277-3644
Facsimile: 618-277-7882
Email: dcates@cateslaw.com

-and-

Michael J. Garavalia, #6286212
Flynn, Guymon & Garavalia
300 West Main Street
Belleville, IL 62220
Telephone: 618-233-0480
Facsimile: 618-233-0601
E-Mail: mgaravalia@flynnguymon.com

Attorneys for Plaintiff

By: /s/Brian E. McGovern (w/consent)
Brian E. McGovern #6271815
McCarthy, Leonard, Kaemmerer, L.C.
835 Maryville Centre Dr., Ste. 300
St. Louis, MO 63107
Telephone: 314-392-5200
Facsimile: 314-392-5221
E-Mail: bmcgovern@mlklaw.com

Attorneys for Defendant

PROOF OF SERVICE

I hereby certify that on June 30, 2020, I caused to be electronically filed this “STIPULATION OF DISMISSAL” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing(s) to all parties of record.

/s/David Cates